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December 14, 2005

BY E-FILING

The Honorable Judith Dein
U.S. District Court Clerk's Office
United States District Court for
District of Massachusetts
One Courthouse Way
Boston, MA 02210

Re: Tricore, Inc. v. Safeco Insurance Company of America, et al.
U.S. District Court Civil Action No. 04-12393-MLW

Dear Judge Dein:

On behalf of the parties in this case, we respectfully submit this letter in response to the Court's request for an informal status report. At the present time, the Defendant, Safeco Insurance Company of America ("Safeco"), has filed a Motion for Summary Judgment against the Defendant, R.P. Iannuccillo & Sons Construction Co. ("Iannuccillo") relative to Iannuccillo's crossclaim against Safeco. The Court has allowed Iannuccillo's Assented To Motion for Extension of Time to 12/14/05 to file its Opposition to Safeco's Motion for Summary Judgment.

Tricore and Safeco have a disagreement as to a certain facet of their settlement, which settlement related to all claims asserted in the lawsuit, but for the crossclaim asserted by Iannuccillo against Safeco, and this is the subject of the above-referenced Motion for Summary Judgment. Despite the parties' best efforts, Safeco and Tricore have not been able to reach an agreement regarding terms of the settlement to date. Therefore, Safeco intends to immediately file a motion with the Court to enforce the settlement agreement. In light of this development, it is Safeco's position (but not the other parties) that a status conference would be beneficial in the context of discussing Safeco's pending Motion for Summary Judgment and the forthcoming Motion to Enforce Settlement Agreement. In the event the Court desires to schedule a Status Conference, the parties have conferred amongst themselves and all counsel are available in the afternoon of Thursday, January 5, 2006 or at any time on Friday, January 6, 2006.

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On behalf of all parties,

/s/ Edward D. Kutchin

/s/ Dennis R. Cavanaugh

/s/ Jonathan C. Burwood

/s/ David M. Campbell

EDK/mab

cc: Bradford Carver, Esquire (via email)
Paul Jacobson, President (via email)
Tricore, Inc.

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